

J. A. Turnage
P. O. BOX 85
POLSON, MT 59860

January 8, 2007

Honorable Representative John Sinrud
Chairman House Committee on Appropriations
State Capitol
P. O. Box 200400
Helena, MT 59620-0400

RE: Montana Access to Civil Justice Act
House Bill 60

Dear Sir:

I am sending this letter to urge you and your committee to favorably consider the above bill.

The purpose of House Bill 60 is to assist in providing access to justice for low income Montanans by creating a Court based self-help law program.

From my 16 year's experience as Chief Justice of the Montana Supreme Court, it was readily apparent to me that many Montana citizens, without being represented by a licensed attorney, had made an effort to access the Courts and obtain equal protection of the law. Their efforts almost always resulted in failure and disappointment because of their lack of understanding concerning the intricate rules of procedure of the Courts, the provisions of the Montana Constitution and statutes.

A recent State Bar of Montana Legal Needs Survey indicated that narrowly 85% of the legal problems of low household incomes in Montana did not receive any help or attention from an attorney because they simply could not afford the payment of attorney's fees and expenses.

The cost of maintaining a law office in Montana today requires the attorney to charge fees and expense costs that are simply beyond the reach of low income Montanans.

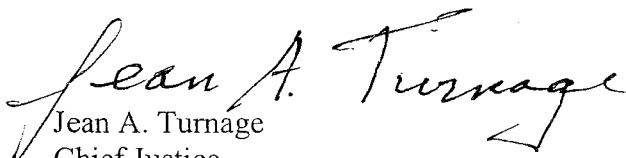
The Constitution of the State of Montana Article 2 Section 16 provides that Courts of Justice shall be open to every person and Section 17 provides no person shall be deprived of life, liberty, or property without due process of law. Nothing in these Sections or any place else in our Constitution, provides "unless you cannot afford it."

Honorable Representative John Sinrud
Chairman House Committee on Appropriations
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January 8, 2007

It must be made clear that House Bill 60 is an effort to help secure justice for all of our citizens – not an attempt by the Courts to gain more resources for Court programs.

I respectfully urge your Committee to give favorable consideration to House Bill 60.

Respectfully,


Jean A. Turnage
Chief Justice
Montana Supreme Court (Retired)

Katherine M. Irigoin
District Court Judge
Montana 7th Judicial District
201 West Main Street
Sidney, MT 59270

February 20, 2007

Re: HB 60

Dear Chairman Sinrud:

I am one of two district court judges for the Montana 7th Judicial District, which covers five counties: Dawson, McCone, Prairie, Richland, and Wibaux. Many of the residents in our judicial district cannot afford to hire an attorney, especially in family law cases. Montana Legal Services assists people with family law matters when abuse is at issue. Luckily, most of our low-income family law cases do not involve abuse. Unluckily for those low-income litigants, Montana Legal Services cannot help them. Consequently, in more than half of the family law cases I preside over, one or both parties appear without an attorney. The documents that these low-income people present for filing are often difficult to understand and usually incomplete. The Clerk of Court and staff and the judge and judge's staff accordingly spend considerably more time handling the files of low-income, unrepresented litigants than those of represented litigants.

In the last four years, however, I have seen a noticeable improvement in the quality of the documents presented for filing by low-income, unrepresented litigants. The reason for the improvement in these documents is most likely due to the availability of forms, posted on web sites and otherwise available in Clerk of Court's offices. HB 60 is likely to help even out the additional time and attention that court personnel give to cases regardless of whether the litigants are represented. HB 60 is also likely to improve fairness in results for people, regardless of whether they are represented.

Please support HB 60.

Sincerely,

Katherine M. Irigoin

*CNADA**(Custer Network Against Domestic Abuse & Sexual Assault)**2000 Clark Street**Miles City, Montana 59301**(406) 234-0542 951-0475 24-hour helpline**cnada2000@yahoo.com*

February 7, 2007

To Whom It May Concern:

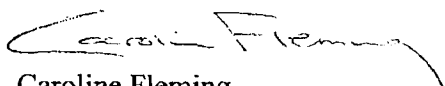
Custer Network Against Domestic Abuse and Sexual Assault has been housing the self-help law library for Montana Legal Services Association (MLSA) for over a year. We are pleased to have the facility in our office. A number of people have accessed help online, by either using forms provided by MT Legal Services or by getting their legal questions answered on a live chat space.

CNADA believes that access to legal self-help are important, particularly in eastern Montana where there are few attorneys and legal fees can be very high for the many low-income families in the area. While it is very valuable to have an attorney when one needs legal assistance, the truth is that many people cannot afford attorney fees. For them, the value of having the MLSA Self-Help Law Library available to them is immeasurable.

Expansion of this valuable resource into other areas of our state, development of more forms, and readily available legal support are needed. I encourage you to support HB60 and continue to provide low-cost legal resources to Montana residents.

Thank you.

Sincerely,



Caroline Fleming
Executive Director, CNADA

Visit our website endomesticviolence.org

To: House Judiciary
From: Donna Goff
Sidney, Montana
Date: February 7, 2007
Re: HB60, Civil Access to Justice Act

Good morning Chairperson Rice and Committee members. I live in Sidney and regret that I could not be in Helena today to voice my support for HB60. Please accept my written testimony instead.

In October of 2000 I was divorced, I had no legal representation and I was unaware of my legal rights. My ex-husband had told me that he and his attorney would be asking the judge for shared custody of my two children, and that I didn't need an attorney because his attorney would help both of us. I was naïve enough to believe him. I couldn't afford an attorney anyway because my husband worked, and I had always stayed home with our kids.

On the day of court my ex dropped my boys off with me to watch while he was at work and mentioned that court was that day but he didn't know what time it was. Later that morning the Clerk of Court called and told me that court would begin in a couple of minutes. I did not go because I had no alternative daycare for my children and I was still under the impression that my ex-husband and his attorney would be asking for shared custody. I didn't find out until about a month later that they did not ask for shared custody. Instead he asked for primary custody for himself with very little visitation for me.

I had always been our boys' primary caretaker. I was a good mother, I didn't drink, didn't do drugs, and didn't have any criminal record. I feel like if I had an attorney or even some legal advice, I would have been given primary custody of my children.

After our divorce, my ex-husband still allowed me to care for the children for the next two years until he met his current wife. After that he took away all the extra visiting time that he had given me and started following the parenting plan. Even though he knew that our boys wanted to see me more he would not compromise with me. During the first two years of our divorce I didn't feel I needed to change the parenting plan because I was still seeing my boys' everyday while he worked because it was convenient for him. Besides this I didn't know if I could change the parenting plan. At the time of our divorce I was ineligible for legal assistance from Montana Legal Services. So when my ex-husband started taking the time away that he had given me I felt like I had to live with it because I could not afford an attorney and didn't think I could get help from Legal Services.

Through a domestic violence coalition I found out that I could get help to go to court on my own. I didn't know if I could do it on my own so I talked to an attorney that told me on the phone he would try to work with me to pay the fees. When I went to his office and showed him what I had he told me basically that I had no hope of changing the parenting plan.

I didn't agree with him and decided that I would have to go to court on my own. In June of 2004 with the help of the Eastern Montana Self-Help Law Project I filed a Motion to amend the parenting plan. After a Judge finally took the case he set a date for a hearing. On November, 16th I went to court to represent myself against my ex-husband and his attorney. I was very scared but also very prepared. Attorney Tara Veazey the Eastern Montana Self-Help Law Project Director made sure that I knew what I needed to know and also kept my confidence up. I felt that I was more prepared then my ex-husband and his attorney.

After about a week the judge made his decision I had got the parenting plan amended. It wasn't exactly how I wanted it but I am getting to see my boys a great deal more then I used to which makes me and them very happy.

After my experience, I volunteered for the Self-Help Law Project in Sidney for a year as an AmericorpsVISTA. Working for the Self-Help Law Project, I learned a lot about the law. I have also learned a lot about the legal process and that there are ways to do things if you cannot afford an attorney. I have also learned that there are a lot more resources available to the average person then I knew about before. After my experience I have enjoyed helping people avoid making the same mistakes that I did. I am now a victim advocate and legal assistant for a local domestic violence program.

HB 60: The Access to Civil Justice Act

Decreased Litigation and Increased Efficiency in the Courts: Evaluation Findings from Other Local and State Self-Help Law Programs¹

- Cases with self-represented litigants are far less likely to require hearings or trials than cases with lawyers, and they proceed through the court much faster.
- **Self-help services give litigants a more realistic understanding of their legal situation and cause them to have more realistic expectations concerning the likely outcome of their case in court**, particularly in landlord/tenant matters and domestic violence cases. For example, a program in Los Angeles which gives self-represented tenants advice before eviction cases found that the information helps litigants understand that neither paying back rent on the day of the hearing or lack of employment were defenses to an eviction. These litigants better understood the weakness of their cases and were better able to settle without going to court.
- Court staff universally appreciate self-help programs and believe that they save time and effort- both at the front counter and in the courtroom- and that they reduce the number of hearings that need to be reset because the paperwork is not adequate.
- Self-represented litigants who have received assistance are better prepared in court, more self-confident, and better able to present their cases.
- Self-represented litigants had the same level of positive reaction to their court experience as those with counsel, but had far fewer dissatisfied and very dissatisfied reactions.
- Self-represented litigants are more likely to report that they understood the divorce decree and are less likely to seek a modification of the judge's decision.
- **Multiple studies from multiple jurisdictions have shown that cases with self-represented litigants are resolved more quickly than those cases where both parties are represented by an attorney.**
- The availability of forms and resources in Washington State resulted in a 12% reduction in the amount of time it took to resolve a case with two pro se litigants. During the same time period, the amount of time it took to resolve a case when both parties had attorneys rose by 15%. For dissolutions with children in Washington, the probability of going to trial increases 2000% when two attorneys are involved versus cases with two pro se litigants.²

¹ John M. Greacen, "Self Represented Litigants and Court and Legal Services Responses to Their Needs: What We Know"(an analysis of over 35 reports and evaluations of self-help programs).

² Administrative Offices of the Courts, "An Analysis of Pro Se Litigants in Washington State 1995-2000."

**Summary of HB 60: Montana Access to Civil Justice Act
A Committee Bill by the Law and Justice Interim Committee**

Purpose: To increase access to justice for low-income Montanans by creating a Court-based self-help law program. The program will:

- Develop and maintain self-help forms and instructions for self-represented litigants in civil cases;
- Develop and distribute multi-media educational materials on civil legal issues, procedures, and available legal resources;
- Provide judges, court clerks, and volunteers with information on resources for self-represented litigants and on assisting self-represented litigants in an impartial and effective manner; and
- Coordinate efforts by *pro bono* private attorneys, non-profit, and other volunteer programs that provide access to courts.

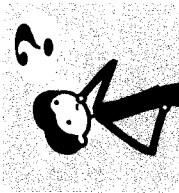
Need:

- Approximately 180,000 Montanans are living at or below 125% of the federal poverty guidelines (\$25,000 per year for a family of four) and are thus eligible to receive legal services from Montana Legal Services Association (MLSA);
- According to a comprehensive State Bar of Montana Legal Needs Survey (2005), approximately 83.6% of the legal problems of low-income households in Montana did not receive any attention from an attorney, although 90% of those problems were rated as important or extremely important by the respondents;
- MLSA, the only statewide provider of legal services to low-income Montanans, has just 11 attorneys to provide direct representation throughout the entire state, down from 39 in the mid-1970s. Federal funding available from the National Legal Services Corporation has dropped by 57% since 1979;
- 100% of jurisdictions surveyed nationally reported a significant increase in pro se litigants over a five year span; Montana courts have witnessed a similar trend, reporting that as many as 50% of all family law cases now have at least one side unrepresented by an attorney;
- *Pro bono* efforts by private attorneys, while a key element in improving access to justice, will never be sufficient to meet all of the need, especially in much of rural Montana where there are few practicing attorneys;
- Lack of access to the court system results in the denial of equal justice for too many Montanans, burdens the courts with self-represented litigants who have little or no understanding of judicial processes, and erodes public trust in the legal system.

History of HB 60:

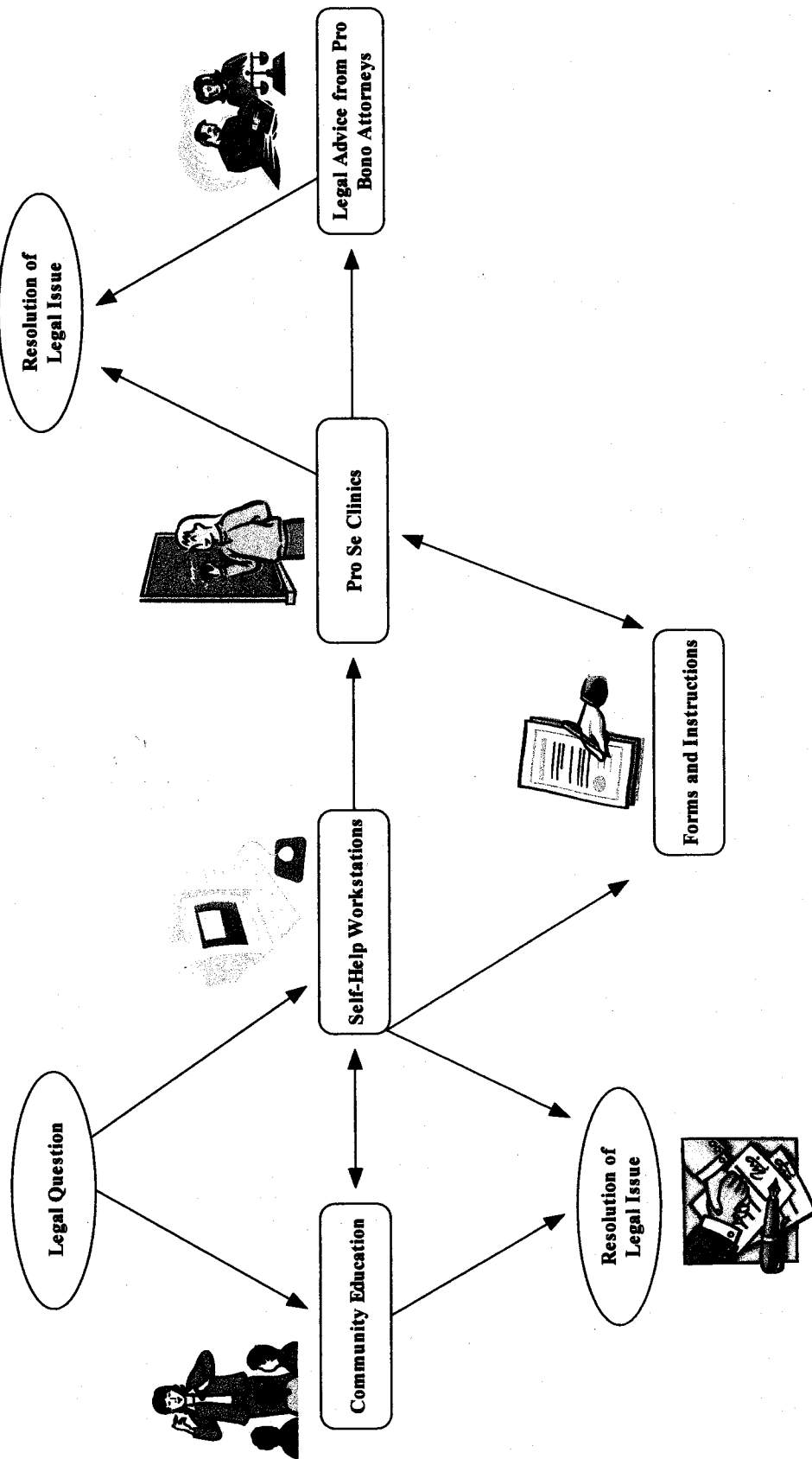
- Senate Joint Resolution No. 6 (2005) directed an interim study of the unmet legal needs of low-income Montanans, review of current programs serving those needs, and exploration of proposed solutions;
- The Law and Justice Interim Committee, with support from stakeholders involved in equal justice initiatives across the state, decided that support for self-represented litigants was the most effective and efficient means to address the large number of unmet legal needs in Montana and restore public confidence in the justice system;
- HB 60 passed out of the Law and Justice Interim Committee with unanimous, bipartisan support.

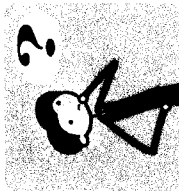
Fiscal Impact: \$505,000 per year for the first biennium



Montana Self-Help Law Program

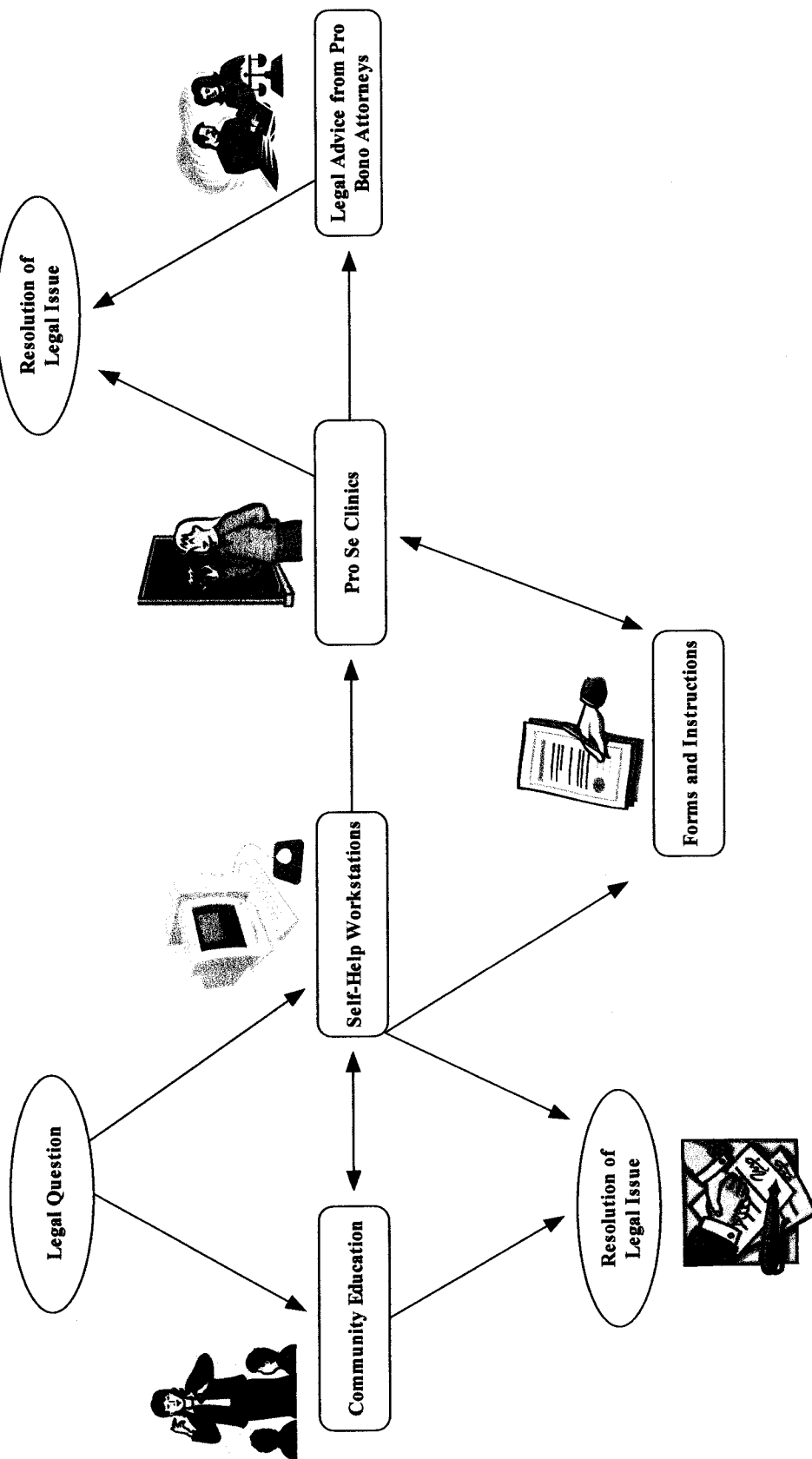
as Proposed by HB60,
The Access to Civil Justice Act





Montana Self-Help Law Program

as Proposed by HB60,
The Access to Civil Justice Act



Components of Self-Help Law Program
Provided for by HB60, Access to Civil Justice Act

Component	Notes
I. Form and Instruction Development	<ul style="list-style-type: none"> • Develop a user-friendly, plain English pro se form template • Provide ongoing development and updating of specific pro se forms and instructions (family law and beyond) • Develop and administer mechanism for thorough and diverse feedback on proposed forms • Coordinate with Supreme Court Commission on Self-Represented Litigants for approval of forms • Supervise and support (HotDocs) automation of approved pro se forms
II. Community Education and Outreach Coordination (to provide the public with information to avoid legal actions and handle non-litigation legal needs)	<ul style="list-style-type: none"> • Develop and update community education brochures and online content regarding legal rights, responsibilities, and resources • Develop curriculum for non-litigation oriented community education classes (e.g. wills and estate planning, rights and responsibilities of tenants and debtors) • Coordinate video conferencing schedules for community education classes • Produce and distribute videos on community education topics • Coordinate outreach to the public regarding available services and resources
III. Self-Help Clinics (to provide pro se litigants with the forms and information necessary to complete legal actions)	<ul style="list-style-type: none"> • Develop curriculum for pro se clinics in areas such as family law, landlord/tenant law, and consumer law • Coordinate video conferencing schedules for pro se clinics • Support pro bono attorneys teaching the clinics
IV. Volunteer Coordination (to support and coordinate volunteer efforts for all of the above components)	<ul style="list-style-type: none"> • Create volunteer manual and protocols for volunteers staffing the local self-help workstations • Coordinate pro bono program for providing limited legal advice to pro se litigants • Coordinate pro bono attorneys teaching community education classes and pro se clinics • Develop and implement ongoing training opportunities for pro bono attorneys and other volunteers • Recruit and support all volunteers for the program
V. Management and Coordination of Program	<ul style="list-style-type: none"> • All supervisory and management functions • Liaison to Court, Commissions, Task Force, and Legislature • Resource development • Program evaluation and reports

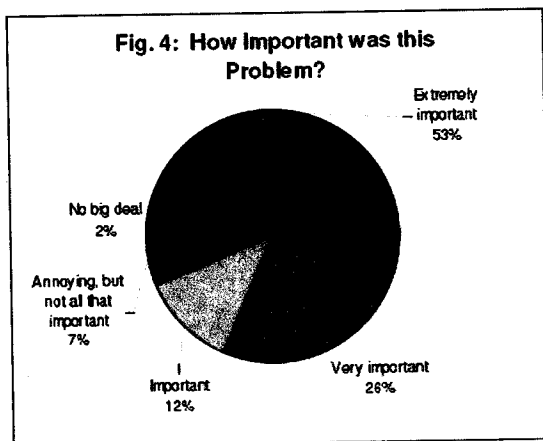
Summary of 2005 Montana Legal Needs Study

Methodology

- Results are based on 843 in-depth surveys conducted of low-income Montanans throughout the state. Low-income is defined as earning less than 125% of the federal poverty guidelines.

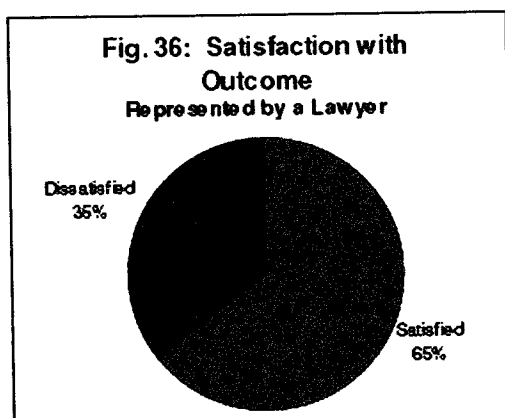
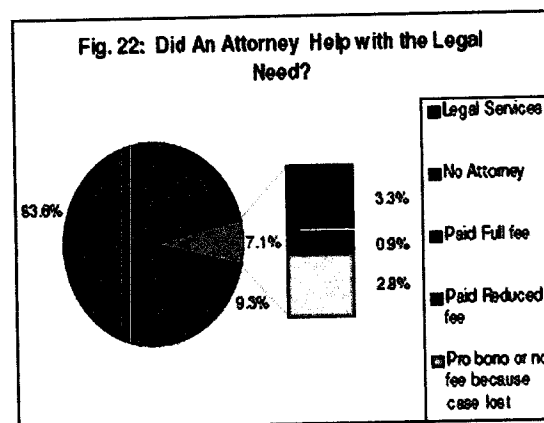
Results

- Each low-income household reported an average of 3.47 legal problems per year. There are a total of 207,051 unmet legal needs each year in Montana's low-income community.
- The most common legal issues reported were Housing (38.2% of households), Family (35.2% of households), Consumer (29.7% of households), and Employment (28.9% of households).



- 90% of legal problems were rated as important, very important, or extremely important by the respondents.

- 84% of the reported legal issues did not receive any attention by a lawyer.



- 68% of respondents who had experienced legal problems were dissatisfied with the legal system. This percentage dropped to 35% for respondents who got some assistance from a lawyer.



LEGAL NEEDS OF LOW INCOME HOUSEHOLDS IN MONTANA

**2005
EXECUTIVE SUMMARY**

LEGAL NEEDS OF LOW INCOME HOUSEHOLDS IN MONTANA

EXECUTIVE SUMMARY 2005

By D. Michael Dale
michaeldale@dmichaeldale.net

This study was made possible by the generous financial support of the Montana Justice Foundation, Montana Board of Crime Control, the State Bar of Montana and Attorneys Liability Protection Society (ALPS), Legal Services Corporation, Montana Advocacy Program, Montana School of Law, Court Assessment Program, Child and Family Section of the State Bar, Federal Practice Section of the State Bar of Montana and the Montana Office of Public Instruction.

This study could not have been completed without the contribution of substantial time from the 182 volunteer surveyors who conducted over 850 interviews in every part of the state of Montana.

The authors would like to thank Professor Grant Farr and the Department of Sociology at Portland State University for their wisdom and support in this project.

Acknowledgment is due to members of the oversight committee, comprised of members of the Montana Supreme Court Equal Justice Task Force and State Bar of Montana's Access to Justice Committee, with staff support from State Bar and Americorp VISTAs.

Most of all, we thank the low income Montanans who took time out of often busy and difficult lives to share their stories and experiences.

For further information regarding the study or report, contact Ann Gilkey, Equal Justice Coordinator, State Bar of Montana at (406) 442-7660 or agilkey@montanabar.org. The report is also available online at www.montanabar.org.

Introduction

This report analyzing data from the Montana Legal Needs Study contains a flood of figures, graphs and charts, detailing the grievous need for legal help that the volunteer interviewers found in low income households across the state. It would be remiss, however, to allow impersonal numbers and charts obscure the profound personal impact of unmet legal need on individuals.

Many households experienced only a single, isolated legal problem over the course of the prior year, and some of those problems were not overly severe. However, in other cases the inability to address one legal problem spiraled into many other serious difficulties. Some cases stand out.

Consider the case of "Frank" from Billings.¹ Frank had filed a report of patient abuse after he was asked by his employer to falsify records about the death of an elder patient. Falsely accused of sexual harassment, he was suspended without pay. Though he was ultimately vindicated and reinstated, he never recovered the wages lost during his suspension. After the abuse investigation ended, Frank was fired for not reporting to work or calling in, though he had been sick and had called to say he would not be coming to work. His foot became infected, but his insurance had lapsed, so he was stuck with the full hospital bill. He was denied credit because of false information on the credit report that he could not get corrected. In desperation, Frank sought to file bankruptcy, but legal services could not represent him, so he had to raise the funds to file; an irony since the reason he wanted to file was because he was broke. He was able to borrow money with a car title loan at an effective interest rate of 315%. But even after he filed bankruptcy, he kept getting harassing calls from creditors regarding discharged bills. These callers were telling personal information about him to co-workers. Finally, he was served a summons to collect discharged medical bills.

"Laura" is a Native American woman who fled to Helena to avoid domestic abuse. Homeless, she lived in a shelter with her two children for three months. Trying to get a divorce from her abusive husband, Laura was able to handle custody on her own, but needed help negotiating a parenting plan, for which she is on a waiting list at legal aid. Meanwhile, she has had to take her children out of Head Start because, without a parenting plan to file with the provider, she can't stop her husband from picking up the children. Laura had worked for 12 years as a secretary, but

developed carpal tunnel, and applied for workers compensation. After her claim was denied she was fired. She applied for social security disability benefits, but was denied, and told to apply for workers compensation. She cannot collect unemployment benefits because she was fired from her job. She has taken out a car title loan, but has no income to repay it.

"Helen" lives on the reservation but life isn't easy there either. She couldn't find representation in a dispute over custody of her children. Her son has had trouble at school, where he would get into fights and be sent home with no dialogue from the school, and no help from social services. He has been suspended five times and she believes that some of the suspensions were unfair but has had no means to contest them. She has had trouble getting Indian Health Services to pay for her children's medical expenses. Helen gets harassing phone calls at work for a VISA bill. Also, the fees were miscalculated by a payday lender and she had to argue for reimbursement. Helen and her family frequently encounter racism and discrimination in restaurants and stores in town.

Many of these problems could be addressed if there were a lawyer available to help. The report gives examples of successful outcomes in similar real cases from legal aid.

The key finding of this report is that there are far too many Franks, Lauras and Helens, and too few of the happy endings found by low income families represented by lawyers.

Methodology

This report analyzes data from a survey of the legal needs of low and moderate income households² conducted throughout Montana by the State Bar of Montana with the assistance of Portland State University in Portland, Oregon. The survey asked whether the household confronted certain situations that typically give rise to a need for civil legal services within the last year. If so, respondents were asked additional questions about how the household dealt with the issue—whether they obtained legal help, the reasons for not seeking assistance, and attitudes about the legal system as a result. Since many of the interviewers were not lawyers, the survey forms were reviewed by a lawyer to assure that the situation did, indeed, represent a potential legal problem.

¹The names of individual survey respondents described are fictitious to protect them from loss of privacy and from possible retaliation.

²"Low-income" means a household earning less than 125% of the 2002 Federal Poverty Guidelines, or a household of four earning less than \$401 per week (gross income). "Moderate-income" means a household earning less than 200% of the 2002 Federal Poverty Guidelines, or a household of four earning less than \$942 per week.

The study was designed to assure collection of information about a broad cross-section of the lower income population, but also to include specific segments that face particularly acute legal needs or special barriers to access to the legal system. The groups particularly targeted in the survey included persons with mental or developmental disabilities, persons with physical disabilities, domestic abuse survivors, seasonal agricultural workers, homeless persons, senior citizens over seventy years of age, incarcerated persons, Native Americans living on a reservation, and Native Americans living in a non-reservation setting. Surveys were taken in all areas of the state, in both metropolitan and non-metropolitan settings.

What are the Legal Needs of Lower Income Households in Montana?

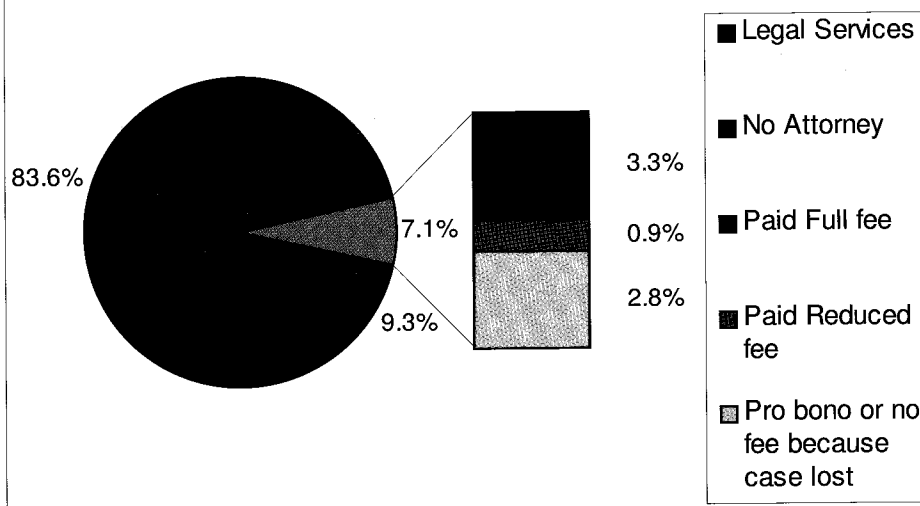
General Findings. Low income households in Montana reported a mean number of 3.47 legal problems in their households over the last year. These problems entailed a range of substantive legal issues, with employment, housing and family being the most common legal issues reported. 38.2% of low income households in Montana are likely to have a legal need involving a housing issue. Family law issues (35.2%), consumer problems (29.7 %), employment issues (28.9 %) and issues with public service (27.5 %) were among the most common legal needs reported.

Severity of Legal Problems. While a few of the identified problems were viewed to be rather insignificant, more than half of the problems were rated to be "extremely important," another quarter were seen to be "very important" and nine out of ten problems were rated as "important, very important" or "extremely important." Family law and public safety issues are much more likely to be described as extremely important, while consumer issues are less likely to be so perceived.

Analysis of Problems within Substantive Areas. The report also provides an analysis, within each general substantive area, of the relative frequency of specific issues.

Discrimination As a Factor. One of the striking observations in the analysis of legal needs of lower income families in Montana is the significant role played by perceived discrimination in the reported legal needs of the respondent households in this survey. Discrimination was cited as a factor in fully 32.8 % of the legal issues identified by the respondents in this survey.

Fig. 22: Did An Attorney Help with the Legal Need?



Did the Respondent Households with Legal Problems Have Help from a Lawyer?

Overwhelmingly, the legal needs identified were not addressed with the assistance of counsel. In 83.6 % of the legal need situations the household was not assisted by a lawyer at all. An attorney provided some form of help in only 16.4 % of these situations. Legal services programs provided assistance with 9.3 % of the issues, while the private bar lent help in 7.1 % of the situations. The household paid a normal, full fee in 3.3% of the total legal problems. Figure 22 illustrates the likelihood that a household received assistance by an attorney to address an identified legal need, by whom the assistance was provided and on what fee basis.

It is about three times more likely that a household with a family law problem will be represented than a household with other kinds of legal needs. Households with family and consumer problems are far more likely to be actually represented in connection with a court or administrative hearing, while other cases are more likely to be handled through non-court intervention.

Why were so few of the Respondents Represented, and Where did they Turn for Help?

One of the key reasons that many of the respondents who reported legal needs did not receive legal help is that they did not seek it. Nearly a third thought that nothing could be done about the problem; almost one quarter didn't think of the problem as a legal issue. About twenty percent did not know who could help with the problem, or were worried about the cost.

16.6% of respondents said the process of getting a lawyer was too difficult. One in ten felt intimidated. Very few thought that the issue was not important enough to seek counsel (4.3%).

The report describes significant differences in the reasons given by respondents who had a problem but did not look for a lawyer depending upon the type of legal problem encountered by the household, and also depending upon their being in one of the cluster groups studied. A majority of respondents did not know that there was a program that provided free legal services and only slightly more than half thought that they would be eligible for free legal services. A minority of the respondents were aware of the existence of lawyer referral services (36.0%), a legal hot line (30.1%), an internet website to assist in locating legal resources (21.0%), or even of the existence of a small claims court.

Resulting Attitudes from Having Had a Legal Problem

Overall, encounters with legal problems were a very negative experience for respondents in this survey. When asked whether they were satisfied with the outcome, respondents who had experienced legal problems were largely dissatisfied (68%). A quarter of all respondents said they were feeling "very negative" about the legal system, and nearly sixty percent were either "very negative" or "somewhat negative."

On the other hand, if the households had received some level of assistance from a lawyer, they were much more positive. However, if a household had tried to get help, but did not succeed, the resulting attitudes were extremely negative. Compare Figures 36 and 37 with figures 38 and 39. It appears that having an attorney's help results in very significantly better feelings

Feelings About the Legal System

Fig. 38: Satisfaction Sought a Lawyer, but Rejected

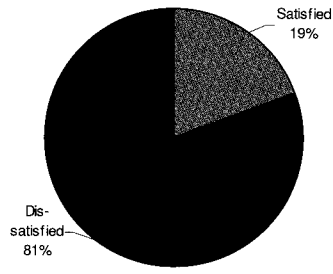


Fig. 39: Resulting Feelings about Legal System Sought a Lawyer but Rejected

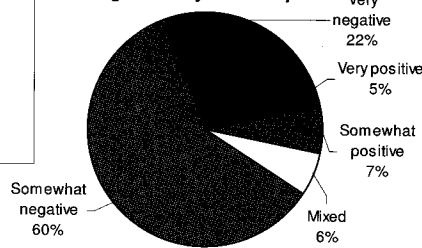


Fig. 36: Satisfaction with Outcome Represented by a Lawyer

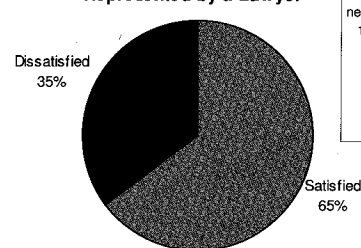
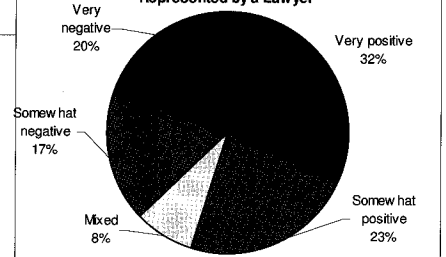


Fig. 37: Resulting Feelings about Legal System Represented by a Lawyer



about the outcome and about the legal system.

The report discusses some differences in resulting attitudes depending upon the type of substantive problem involved and depending upon the cluster group to which the household belonged.

Prospects of Improving Access through Technology

To establish a baseline for the prospective usefulness of technology in improving access to the legal help, respondents were asked about their access to and ability to use various means of technology. Most of the respondents (83.9%) had private, reliable access to a telephone. Cable television reached 61.3%. Fewer than half had private, reliable access to the internet. Only 37.5% had private, reliable access to email, and only about a fifth had such access to a fax. Of those who had private reliable access, about half used the internet at home, 19.5% at a library, 13.5% at work, and 6.3% at school. Almost a quarter did not have anyone in the household who completed twelve years of school. Information about regional variations in educational levels and access to technology is reported.

Differences in Legal Problems of Demographic Clusters

A significant finding of the survey is that certain population groups encounter (or report) different numbers of legal problems per year, with different levels of complexity. There were also significant differences in the nature of substantive problems encountered by the various population groups which are reported.

What differences were observed with respect to different regions of the state?

There were some differences in reported response depending upon region of the state. Some regions seem to encounter a relatively

higher number of legal problems than others, ranging from mean number of 4.46 legal problems per household per year in the northwest part of the state to significantly lower numbers of 2.74 and 2.72 in the east and southwest, respectively. The substantive nature of those problems was fairly similar, but some differences in regions are reported.

The likelihood of a household with a legal problem having had assistance of an attorney was found to vary regionally, ranging from 22.9% in eastern counties to 13.1 % in north central regions.

How large is the unmet need for legal services in Montana?

The central finding of this survey is that there is an enormous unmet need for legal services among lower income households in Montana. From the data generated, it is possible to estimate the size of that need—roughly 207,051 unmet legal needs each year in Montana.

Undoubtedly, some of these cases may not have sufficient merit to take action, when all of the facts are out. Others would probably be handled with advice, or very simple

intervention far short of litigation. Still, to the households involved, these needs represent important, unmet needs, and may, in appropriate cases, require more significant assistance. Of the projected number of unmet needs, the households involved would be expected to feel that 90.1 %, or 187,795 of these cases, were either “important,” “very important,” or “extremely important.” 52.4% or 108,495 cases would be seen as “extremely important,” and 26.2 %, or 54,247 cases, “very important.”

Conclusion

The Montana Legal Needs Study has identified a huge unmet need for civil legal services among low income families in Montana—probably in excess of 200,000 cases each year for which no legal assistance is available. These problems are seen to be highly important to the families involved. Where counsel is available, an encounter with the legal system is likely to produce relatively positive attitudes towards the institutions of the law. However, the wide-spread inability to obtain representation is creating very negative attitudes with respect to the legal system.

Fig. 66: Unmet Legal Needs in Montana in Cases

